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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/679,288

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Jason Sterne

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EXAMINER

PARTHASARATHY, PRAMILA

ART UNIT

PAPER NUMBER

2136

MAIL DATE

DELIVERY MODE

06/25/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/679,288	Applicant(s) STERNE, JASON	
	Examiner PRAMILA PARTHASARATHY	Art Unit 2136	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 March 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) ☒ Notice of References Cited (PTO-892) | 4) ☐ Interview Summary (PTO-413) |
| 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) ☐ Information Disclosure Statement(s) (PTO/SB/08) | 5) ☐ Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) ☐ Other: _____ |

DETAILED ACTION

1. This action is in response to the communication filed on 10/30/2007. Claims 1 – 21 are currently pending.

Response to Arguments

2. Applicant's amendments overcome 35 USC 101 rejection and Examiner withdraws 35 USC 101 rejections.

3. Applicant's arguments with respect to double patenting rejections have been fully considered and are persuasive. Examiner withdraws double patenting rejections.

4. Applicant's arguments with respect to the rejection(s) of claim(s) 1-21 under 35 USC 102(e) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Carr et al. (6,600,744).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1 – 21 are rejected under 35 U.S.C. 102(e) as being anticipated by Carr et al. (U.S. Patent 6,600,744).

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7. As per Claim 1 Carr teaches, “associating at least two sets of rules with the first interface, at least one of the sets of rules being a shared set of rules also associated with a second interface, each rule in the at least two sets of rules having an associated action (Fig. 5, Column 14 lines 29 – 42), Carr discloses a first interface with a first set of rules that includes a rules from a first class and from a second class and (508) and a second interface with a second set of rules (512) ;

determining a key of the data packet (Column 14 lines 29 – 32, “receives a key”);

searching the at least two sets of rules to determine at least one rule matching the key; and applying the action associated with each of the at least one rule to the data packet, in the event that at least one rule matching the key is found” (Column 48 – 61), Carr discloses “At step 508, each rule of the first set of rules is compared with the key. At step 510, it is determined whether a favorable comparison has been determined for both of the first class and the second class rules, a preferred rule is selected.

8. As per Claim 15, Carr teaches, “a first interface (Fig. 5 #508); a second interface (Fig. 5 #512); a first set of rules associated with at least the first interface (Column 14 lines 29-42); a second set of rules associated with the first interface and with the second interface (Column 14 lines 29-42), Carr discloses a first interface with a first set of rules that includes a rules from a first class and from a second class and (508) and a second interface with a second set of rules (512); means for searching the first set of rules and the second set of rules to determine at least one rule specific to individual data packets arriving at the first interface; and applying an action associated with the at least one rule to the data packets” (Column 48 – 61), Carr discloses “At step 508, each rule of the first set of rules is compared with the key. At step 510, it is determined whether a favorable comparison has been determined for both of the first class and the second class rules, a preferred rule is selected.

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9. As per Claim 2, Carr teaches, “wherein the step of associating at least two sets of rules with the first interface includes associating at least one set of rules with the first interface alone” (Column 14 lines 51-56), a preferred first class rule is selected from the first class rules in the first set of rules.

10. As per Claim 3, Carr teaches, “wherein the data packet is an internet protocol (IP) packet, wherein the interface is located within a router, and wherein the step of associating at least two sets of rules with the first interface comprises associating at least two access control lists (ACLs) with the first interface” (Column 14 line 44 – 47, packet forwarding).

11. As per Claim 4, Carr teaches, “wherein each rule has an associated action, each associated action being one of packet denial, packet allowance, packet counting, and packet copying” (Column 14 line 44 – 47, packet allowance/forwarding).

12. As per Claim 5, Carr teaches, “wherein the key is determined from information contained within a header of the IP packet” (Column 14 line 29 – 32, a key is received for a packet).

13. As per Claim 6, Carr teaches, “wherein the information from which the key is determined includes at least one of an IP source address, an IP destination address, a protocol number, a Transmission Control Protocol/User Datagram Protocol (TCP/UDP) source port, a TCP/UDP destination port, and an Internet Control Message Protocol code” (Column 8 lines 5 – 8 and Column 12 lines 34 – 36, stores a set of rules for IP packets).

14. As per Claim 7, Carr teaches, “determining a priority order for the at least two sets of rules; and searching for a rule matching the key in the at least two sets of rules in an order matching the priority order” (Column 14 lines 52 – 56, a preferred first class rule is selected).

15. As per Claim 18, Carr teaches “a third interface; and a third set of rules associated with the first interface and with the second interface; and wherein the means for searching for at least one rule specific to individual data packets arriving at the first interface further comprises

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searching the third set of rules for such a rule" (Applicant is claiming a shared rule, which is disclosed in Carr Column 14 line 29 – 56).

16. As per Claim 20, Carr teaches "A packet switch", Background of the Invention Column 1 lines 16 – 36).

17. Claims 8-14, 16-17, 19 and 21 correspond to the limitations of above rejected claims 1-7, 18 and 20 and are rejected on the same rationale.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pramila Parthasarathy whose telephone number is 571-272-3866. The examiner can normally be reached on 8:00a.m. To 5:00p.m.. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nasser Moazzami can be reached on 571-232-4195. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR only. For more information about the PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Pramila Parthasarathy/
Primary Examiner, Art Unit 2136
June 23, 2008